



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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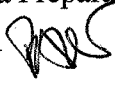
MARK J. SALADINO
County Counsel

December 3, 2014

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TO: PATRICK OGAWA
Chief Deputy Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: PATRICK A. WU 
Senior Assistant County Counsel
Executive Office

RE: **Item for the Board of Supervisors' Agenda**
County Claims Board Recommendation
Joel Ruben Fonseca v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. KC 065 323

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary and the Summary Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary and the Summary Corrective Action Plan be placed on the Board of Supervisors' agenda.

PAW:cs

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Joel Ruben Fonseca v. County of Los Angeles, et al., Los Angeles Superior Court Case No. KC 065 323, in the amount of \$299,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

This lawsuit arises from alleged injuries sustained in a vehicle accident involving a Sheriff's Deputy and a motorcyclist.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Joel Ruben Fonseca v. County of Los Angeles, et al.
CASE NUMBER	KC065323
COURT	Los Angeles County Superior Court
DATE FILED	December 26, 2012
COUNTY DEPARTMENT	Sheriff
PROPOSED SETTLEMENT AMOUNT	\$ 299,000
ATTORNEY FOR PLAINTIFF	Brian Brandt
COUNTY COUNSEL ATTORNEY	Richard K. Kudo Senior Deputy County Counsel
NATURE OF CASE	<p>This lawsuit arises from a car versus motorcycle collision that occurred on October 9, 2012, on the westbound Foothill Freeway approaching Sunflower Avenue in Glendora when a Sheriff's patrol car driven by a Sheriff's Deputy collided with a motorcycle driven by Joel Ruben Fonseca. Mr. Fonseca claims injuries as a result of the accident. Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.</p>
PAID ATTORNEY FEES, TO DATE	\$ 29,838
PAID COSTS, TO DATE	\$ 16,955



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	Tuesday, October 9, 2012; approximately 6:20 a.m.
Briefly provide a description of the incident/event:	<p><u>Joel Ruben Fonseca v. County of Los Angeles, et al.</u> Summary Corrective Action Plan No. 2014-037</p> <p>On Tuesday, October 9, 2012, at approximately 6:20 a.m., a Los Angeles County deputy sheriff was driving a standard black and white, County of Los Angeles-owned patrol vehicle west on the I-210 Freeway, west of Lone Hill Avenue, Glendora, when the vehicle he was driving collided with the plaintiff's motorcycle.</p>

1. Briefly describe the root cause(s) of the claim/lawsuit:

The traffic collision was thoroughly investigated by representatives of the California Highway Patrol and the Los Angeles County Sheriff's Department's Community Oriented Policing Bureau. Their investigations concluded the deputy sheriff caused the collision by violating California Vehicle Code section 21658, Laned Roadways.

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

The Los Angeles County Sheriff's Department had relevant policies and procedures/protocols in effect at the time of the incident.

The Los Angeles County Sheriff's Department's training curriculum addresses the circumstances which occurred in the incident.

The Los Angeles County Sheriff's Department's administrative review revealed employee misconduct. As a result, appropriate administrative action was imposed upon one member of the Los Angeles County Sheriff's Department.

County of Los Angeles
Summary Corrective Action Plan

3. Are the corrective actions addressing department-wide system issues?

☐ Yes – The corrective actions address department-wide system issues.

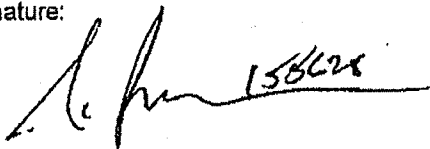
☒ No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)

Scott E. Johnson, Captain
Risk Management Bureau

Signature:



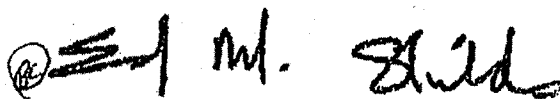
Date:

10-15-14

Name: (Department Head)

Earl M. Shields, Chief
Professional Standards Division

Signature:



Date:

10/23/14

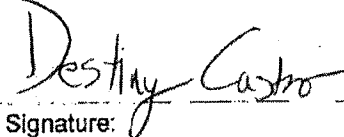
Chief Executive Office Risk Management Inspector General USE ONLY

Are the corrective actions applicable to other departments within the County?

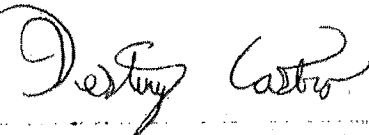
☒ Yes, the corrective actions potentially have County-wide applicability.

☐ No, the corrective actions are applicable only to this department.

Name: (Risk Management Inspector General)



Signature:



Date:

10/23/2014